

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
IN SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CR No. 12-01RSL
)	
vs.)	
)	
TIMOTHY DORAN,)	
)	
Defendant.)	

PLEA HEARING

BEFORE THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT COURT JUDGE

September 21, 2012

APPEARANCES:

Andrew Friedman
Assistant United States Attorney
Representing the Plaintiff

Nicholas Marchi
Attorney at Law
Representing the Defendant

1 THE CLERK: This is the matter of the United
2 States versus Timothy Doran, cause number CR12-001,
3 assigned to this court. Counsel, please rise and make
4 your appearances for the record.

5 MR. FRIEDMAN: Good afternoon, your Honor. Andrew
6 Friedman for the United States.

7 THE COURT: Hi, Mr. Friedman.

8 MR. MARCHI: Good afternoon, your Honor. Nick
9 Marchi on behalf of Mr. Doran.

10 THE COURT: Hi, Mr. Doran and Mr. Marchi. I have
11 in front of me a copy of a plea agreement and a
12 defendant's statement of facts for plea of guilty.

13 Victoria, do you have the original?

14 THE CLERK: I do not, your Honor.

15 THE COURT: Who has the original? You have it,
16 Mr. Marchi? That's fine. Keep it down there.

17 Mr. Marchi, can you tell me a little bit about what
18 you have done to assure yourself that Mr. Doran is making
19 a knowing, voluntary and intelligent plea of guilty, and
20 how things transpired leading to today?

21 MR. MARCHI: Your Honor, actually, I may -- I want
22 to make sure that Mr. Doran feels comfortable with today.
23 He has had some questions. I would inquire if Mr. Doran
24 is prepared to go forward, or if he would like to have me
25 answer some more questions? The court will give us a

1 little time to do that. I just want to make sure that
2 Mr. Doran is prepared for today and he doesn't have
3 questions.

4 THE COURT: Sure. Have you got the original down
5 there?

6 MR. MARCHI: I do.

7 THE COURT: Is it signed yet?

8 MR. MARCHI: Yes.

9 THE COURT: By you?

10 MR. MARCHI: And by Mr. Doran.

11 THE COURT: And by Mr. Friedman?

12 MR. FRIEDMAN: Yes.

13 THE COURT: You have had a few meetings with
14 Mr. Doran. He felt secure enough about it to sign it, but
15 he still has some lingering questions?

16 MR. MARCHI: Exactly, your Honor.

17 THE COURT: Mr. Doran, do you want more time with
18 Mr. Marchi, or do you want to ask me some questions?

19 THE DEFENDANT: Actually, the questions that I
20 have are about my points regarding the length of time that
21 I'm going to be subject to spend in prison due to my
22 signing this. You said you have a plea agreement. I
23 haven't seen anything. I have that statement of facts
24 that I read.

25 THE COURT: This document that says "Plea

1 Agreement" on there, do you have that down there,
2 Mr. Marchi?

3 MR. MARCHI: I do, your Honor. As I indicated to
4 Mr. Doran when we met, the court may use the plea
5 agreement to advise him of some statutory language. But
6 we have not signed a plea agreement. This is an open
7 plea.

8 THE COURT: I am a little confused. When I said,
9 do you have the original down there, were you talking
10 about the statement --

11 MR. MARCHI: I have the original statement, your
12 Honor.

13 THE COURT: The defendant's statement of facts for
14 plea of guilty. Do you also have the original plea
15 agreement?

16 MR. MARCHI: I have a copy of a plea agreement
17 that was forwarded to Mr. Doran and his prior counsel, and
18 what was forwarded to me this morning, which counsel
19 forwarded to the court.

20 THE COURT: But you have now had a chance to go
21 over this document with Mr. Doran?

22 MR. MARCHI: We have discussed the plea agreement.
23 But there is no plea agreement in this case.

24 THE COURT: We may not be talking about the same
25 thing. It is not a plea bargain, in the sense that you

1 have an agreed sentencing recommendation. It is a plea
2 agreement, to the extent that he is pleading guilty in a
3 knowing, voluntary and intelligent way to an open
4 recommendation; is that fair?

5 MR. FRIEDMAN: Your Honor, my understanding is
6 Mr. Doran is not going to sign that agreement. He is not
7 entering into any agreement. We generally provide the
8 court -- That is basically the agreement we had offered.
9 To the extent the court wants to know the maximum
10 penalties or the elements, it can help guide the court in
11 the colloquy. But Mr. Doran is not entering into any
12 agreement. Some of the provisions in the back,
13 specifically Paragraphs 8, 10 to 13, just wouldn't apply.
14 So it is really just a guide to the court in discussing
15 with Mr. Doran his rights, assuming he wants to go forward
16 with his plea.

17 MR. MARCHI: Exactly. It is an open plea, in
18 which we are not taking any part of the plea agreement.

19 THE COURT: But you are not contesting that there
20 are facts sufficient to establish his guilt of the charged
21 crime?

22 MR. MARCHI: And that's what the statement is.

23 THE COURT: I have not done one of those before.

24 MR. FRIEDMAN: Every once in a while a defendant
25 does it. It is usually a different situation. The court

1 is probably aware there is an issue about conflicts on
2 waivers of appeal. Sometimes defendants respond by
3 treating the case this way. It is rare.

4 THE COURT: I still have to go over the rights
5 that Mr. Doran is giving up by entering a plea. But
6 anything -- any paragraph that starts with "we agree" is
7 not being agreed to. So we will strike those from --

8 MR. FRIEDMAN: I don't think this document ever
9 gets entered in the docket. It is for the court's
10 assistance.

11 THE COURT: It is a guideline for me. Got it.
12 With that understanding, Mr. Doran, are you ready to
13 proceed forward?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Okay. Stay standing. My clerk is
16 going to actually swear you in, because you have to
17 truthfully answer these questions.

18 (At this time the deputy clerk swore in the defendant.)

19 THE COURT: Mr. Doran, would you say your full
20 name for the record?

21 THE DEFENDANT: Timothy George Doran.

22 THE COURT: How old are you, sir?

23 THE DEFENDANT: Forty-six.

24 THE COURT: What is the highest grade you have
25 completed in your schooling?

1 THE DEFENDANT: Tenth grade in high school, but I
2 have college after that.

3 THE COURT: Some college?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And do you read and write English?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you have any trouble understanding
8 written English?

9 THE DEFENDANT: No.

10 THE COURT: Are you under the influence of any
11 drugs or alcohol or anything that would cloud your
12 judgment or mind at this time?

13 THE DEFENDANT: No.

14 THE COURT: Do you take any strong prescription
15 medications that might make you foggy or not be of clear
16 mind today?

17 THE DEFENDANT: No.

18 THE COURT: Have you had any history of mental
19 illness in your past?

20 THE DEFENDANT: No.

21 THE COURT: I am going to go over the -- if you
22 could just place the plea agreement in front of Mr. Doran?

23 MR. MARCHI: Yes, sir.

24 THE COURT: We are using this as a guideline. We
25 are not asking you to sign it, Mr. Doran. But I do want

1 to make sure that you understand that you have the right
2 to have this matter -- I am looking at Page 1, Line 20 --
3 you have that right to have this matter tried before a
4 jury. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: But you want to enter a plea of guilty
7 to the charge of failure to register and update
8 sex-offender registration, in violation of Title 18,
9 United States Code, Section 2250; is that right?

10 THE DEFENDANT: Yes.

11 THE COURT: And by entering a plea of guilty, you
12 waive any objections that you would have to the form of
13 the charging document. Do you understand that? What that
14 means is, you can't say, hey, they didn't charge the right
15 crime, or anything like that, once you enter a plea of
16 guilty.

17 THE DEFENDANT: Yes.

18 THE COURT: I am going to the top of Page 2 now.
19 This sets forth what the elements of the offense are, the
20 things that the government would have to prove beyond a
21 reasonable doubt to establish your guilt under this
22 particular United States Code. First, that you were
23 required to register as a sex offender under federal law,
24 and in any jurisdiction in which you either reside or are
25 employed; second, that you traveled in interstate

1 commerce; and, third, that you knowingly failed to
2 register and update your sex-offender registration. You
3 understand those are the elements of this crime?

4 THE DEFENDANT: Yes.

5 THE COURT: And the penalties are next. Do you
6 understand that the statutory penalties for failing to
7 register and update sex offender registration are up to
8 ten years in prison, a fine of up to \$250,000, and a
9 period of supervised release after prison of at least five
10 years, or up to life, and a special assessment of \$100.
11 Do you understand those are the maximum penalties that you
12 face?

13 THE DEFENDANT: Yes.

14 THE COURT: And supervised release is a period of
15 time after you come out of a custody situation. It is
16 sort of like probation, where you are subject to certain
17 restrictions and requirements. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: And if you are placed on supervised
20 release, and you violate one or more of those conditions,
21 you could be returned to prison to serve all or part of
22 the term of supervised release that was originally
23 imposed. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Technically, this could even result in

1 you serving something longer than the statutory maximum,
2 although I have actually never seen that happen. It is
3 technically possible. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Also, there is no restitution in this
6 case, but there could be a monetary penalty, such as a
7 fine, in addition to the special assessment. These
8 monetary penalties would all be due and payable
9 immediately after your sentencing. Do you understand
10 that?

11 THE DEFENDANT: Yes.

12 THE COURT: Now, these are very important here,
13 the bottom of Page 2 and the top of Page 3, the rights
14 that you waive or give up by pleading guilty. I need to
15 know that you are doing this voluntarily and knowingly,
16 that is, you understand your rights, and you intend to
17 waive them voluntarily. So on the top of Page 3, the
18 first one is, by pleading guilty, you obviously give up
19 the right to plead not guilty and persist or maintain the
20 plea of not guilty. Do you understand what that right is?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you agree to give it up by pleading
23 guilty today?

24 THE DEFENDANT: Yes.

25 THE COURT: The next one is the right to a speedy

1 and public trial before a jury of your peers. Do you
2 understand what that right is?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you agree to give it up by
5 pleading guilty today?

6 THE DEFENDANT: Yes.

7 THE COURT: The next one is the right to the
8 effective assistance of counsel at trial, including having
9 the court appoint an attorney for you. Now, obviously,
10 you keep your court-appointed attorney going forward, but
11 you understand that if you decided to go to trial, he
12 would stay by your side and help you throughout the entire
13 trial?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you agree to give that up by
16 pleading guilty today?

17 THE DEFENDANT: Yes.

18 THE COURT: You also give up the right to be
19 presumed innocent. You would be presumed innocent until
20 and unless the government was able to establish your guilt
21 beyond a reasonable doubt at trial. Do you understand
22 that right?

23 THE DEFENDANT: Yes.

24 THE COURT: And do you agree to give it up by
25 pleading guilty today?

1 THE DEFENDANT: Yes.

2 THE COURT: The next one is the right to confront
3 and cross-examine witnesses against you at trial; that is,
4 these witnesses would have to come into the courtroom,
5 take the oath, sit on the witness stand, and, in your
6 presence, give testimony, and that your lawyer would have
7 a right to cross-examine these witnesses. Do you
8 understand that right?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you agree to give it up by pleading
11 guilty today?

12 THE DEFENDANT: Yes.

13 THE COURT: The next is the right to compel or
14 subpoena witnesses to appear on your own behalf at trial;
15 that is, people could be forced to come in and testify if
16 you wanted them to. Do you understand that right?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you agree to give it up by pleading
19 guilty today?

20 THE DEFENDANT: Yes.

21 THE COURT: The next one is you have the right to
22 testify at trial or remain silent at trial, at which trial
23 such silence could not be used against you in any way. Do
24 you understand that right?

25 THE DEFENDANT: Yes.

1 THE COURT: And do you agree to give it up by
2 pleading guilty today?

3 THE DEFENDANT: Yes.

4 THE COURT: You also would have the right to
5 appeal any finding of guilt or any of the court's pretrial
6 rulings. Do you understand that right?

7 THE DEFENDANT: Yes.

8 THE COURT: And do you agree to give it up by
9 pleading guilty today?

10 THE DEFENDANT: Yes.

11 THE COURT: The next paragraph, 5, on Page 3,
12 talks about what the sentencing guidelines are. And it
13 says that you understand and acknowledge at sentencing I
14 must consider the sentencing range calculated under the
15 sentencing guidelines, together with the other factors set
16 forth in Title 18, U.S. Code, Section 3553(a). And then
17 it lists nine specific factors down there. Have you
18 reviewed those factors, the nature and circumstance of the
19 offense, your history and characteristics, the need for
20 the sentence to reflect the seriousness of the offense,
21 et cetera?

22 THE DEFENDANT: Yes.

23 THE COURT: These apply to any sentencing. In
24 addition to those, I would, of course, consider any
25 mitigating factors, aggravating factors presented by

1 either the government or by you. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: And on the top of Page 4 it says, the
4 court will determine the applicable guideline range at the
5 time of sentencing based on input from U.S. Probation,
6 from the government and from your lawyer. And then after
7 consideration of the guidelines, and the factors in 3553,
8 and any other arguments made to me, that I may impose any
9 sentence authorized by law up to that statutory maximum
10 that we talked about earlier. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: And that I am not bound by any
13 recommendation regarding the sentence to be imposed, or
14 any calculation of the guideline range offered by either
15 the parties or by U.S. Probation, or by any stipulations
16 or agreements between the parties. I get to decide what
17 the range is, I get to decide what the sentence is. You
18 understand that?

19 (Short pause in the proceedings while defendant consults
20 with his attorney.)

21 THE DEFENDANT: Yes.

22 THE COURT: And if I give a sentence that you
23 don't like, that is not a ground for you to say, hey, I
24 want to withdraw my plea of guilty. Do you understand
25 that?

1 THE DEFENDANT: Yes.

2 THE COURT: It says here in No. 6, you acknowledge
3 that nobody has promised you or guaranteed to you what the
4 sentence is that I will impose. Is that true?

5 THE DEFENDANT: Yes.

6 THE COURT: And then it refers to a statement of
7 facts that the parties agree establish the facts in this
8 case, and establish the guilt of the defendant of the
9 charged offense. Now, this refers to a document that you
10 have signed, along with Mr. Marchi, today, entitled
11 "Defendant's Statement of Facts for Plea of Guilty"; is
12 that right?

13 THE DEFENDANT: Yes.

14 THE COURT: And have you reviewed that with your
15 attorney?

16 THE DEFENDANT: Yes.

17 THE COURT: And is this the truth of what happened
18 here?

19 THE DEFENDANT: Yes.

20 THE COURT: And it indicates that you had been
21 previously convicted of a crime in the state of Washington
22 for which you are required to register as a sex offender
23 for life, but that in October of 2010, you moved out of
24 your previous Seattle address, where you had been
25 registered, to live in Vietnam, and then in March 2011,

1 you returned to the United States and lived at various
2 times in San Francisco, California; Williston, North
3 Dakota; and the Seattle, Washington area. And from that
4 time, approximately August 2010, to your self-surrender in
5 December of 2011, you never updated any sex-offender
6 registration with King County, nor did you register as a
7 sex offender in any of the other jurisdictions in which
8 you resided. Is that the truth?

9 MR. MARCHI: Yes, your Honor. The only correction
10 we would have is at Line 7, it should say "October 2010."

11 THE COURT: Instead of August 2010?

12 MR. MARCHI: Yes.

13 THE COURT: Will you make that change on there?

14 MR. MARCHI: I will, your Honor.

15 THE COURT: And have Mr. Doran initial it. With
16 that change, is that the truth, Mr. Doran?

17 THE DEFENDANT: Yes.

18 THE COURT: I would find that those facts do
19 establish Mr. Doran's guilt of the crime charged, and that
20 they meet the three elements; that he was required to
21 register as a sex offender, he traveled in interstate
22 commerce, and he knowingly failed to register and update
23 his sex offender registrations.

24 We are skipping 8, 9, 10, but I will go over No. 11.
25 Mr. Doran, on Page 6 it says you agree -- that you are

1 entering into this plea agreement -- and by "plea
2 agreement" I just mean entering a plea of guilty -- freely
3 and voluntarily, without any threats or promises. Is that
4 correct, no one has threatened or promised you anything?

5 THE DEFENDANT: Yes.

6 THE COURT: Mr. Doran, let me ask you then, in
7 regard to the crime charged of failure to register and
8 update sex-offender registration, how do you plead today?

9 THE DEFENDANT: Guilty.

10 THE COURT: All right. I will find that the
11 defendant did knowingly and voluntarily enter a plea of
12 guilty, that he has stipulated to a statement of facts for
13 the plea of guilty that does establish from October 29,
14 2010, until his self-surrender on December 21, 2011, he
15 knowingly never updated his sex-offender registration,
16 either with King County or any of the jurisdictions in
17 which he lived; that he was required to do so by virtue of
18 this 1992 conviction of rape in the second degree in
19 Washington state, and he traveled in interstate commerce.

20 We will enter that finding of guilt, and we will take
21 the defendant's statement of facts for plea of guilty and
22 file that later on.

23 Mr. Doran, any questions at all about what we just did
24 here today?

25 THE DEFENDANT: No.

1 THE COURT: Now we are at the point where we will
2 set a sentencing date.

3 Mr. Friedman, at this point -- you had filed a
4 document in response to the motion to continue that talked
5 about what you would be relying on for your position at
6 sentencing. Has anything changed in regard to that
7 document?

8 MR. FRIEDMAN: No, your Honor. I think the one
9 thing that I would add to that document is we indicated
10 that document was really, I think, responding more to the
11 requests for discovery, and saying, look, we have given
12 everything we have, and then enumerating portions of that
13 on which we would rely. It is likely at sentencing, if we
14 are able to obtain a police officer from Vietnam to come
15 and testify, that we would also rely on that. We do not
16 have someone lined up at this point. I am not confident
17 we will get Vietnam to send someone.

18 THE COURT: Right. You also mentioned a number of
19 people who Mr. Doran allegedly spoke to about what
20 happened in Vietnam. Are you planning to call live
21 witnesses at that hearing, or are you just going to go by
22 written statements or representations?

23 MR. FRIEDMAN: I think, your Honor, in order for
24 the court to consider that fact, it would need to find by
25 a preponderance of the evidence that Mr. Doran committed

1 that murder. I think to do that we would call those
2 witnesses so that they can be cross-examined. There is a
3 fairly recent Ninth Circuit decision, I think called
4 McGowan, that limits our ability to rely on affidavits and
5 out-of-court statements on contested matters --

6 THE COURT: I didn't know about that. But I was
7 going to tell you, don't ask me to rely on anything other
8 than live witnesses. When are you going to decide whether
9 you are going to actually do that or not?

10 MR. FRIEDMAN: We would expect to call most or all
11 of the live witnesses referred to in that motion. The
12 Vietnam issue depends on when and if we are told that we
13 can do that, or if someone will be available.

14 THE COURT: Mr. Marchi, knowing that the
15 government will be calling some of these witnesses from
16 here -- let's assume that we are not going to get a police
17 officer from Vietnam, because that is a completely
18 different situation, how much time do you feel you need to
19 prepare for the sentencing?

20 MR. MARCHI: Your Honor, there are a myriad of
21 discovery issues that are going to come up in the
22 sentencing stage. Now, Mr. Doran and I -- As the court
23 is aware, I am essentially trying a murder case in a
24 sentencing hearing. Possibly March, your Honor. What was
25 disclosed to us on August 25th were additional

1 information, additional witnesses that we have not been
2 able to interview yet. There are issues of how we contact
3 them. The State Department provided two declarations from
4 two officers -- consulate officers from Vietnam, which we
5 have no contact information on. That will have to be
6 sorted out. Mr. Doran and I are very concerned that we
7 need the time to get these interviews done, plus get
8 interviews done in Vietnam that relate to this.

9 I understand that the government cannot compel the
10 Vietnamese government to provide statements and things
11 like that. However, in what was provided to me on
12 August 25th, it does appear that there has been some sort
13 of investigation. I point specifically, your Honor, to a
14 DNA -- I don't know if it is a report, but DNA testing
15 that was conducted. I have no other information about
16 these DNA tests that were conducted, other than they may
17 be a match. I have no idea where the DNA was found,
18 whether it was on the victim's body or things like that.

19 I understand that the government says it is difficult
20 for them to get information. However, I note that this
21 was an Interpol request for information on Mr. Doran. I
22 would ask that the government continue to supply us with
23 updates, as -- if they can do it in an expeditious nature,
24 so that we are not coming back in March saying, we are
25 simply not done. I understand the government wants a set

1 date for a sentencing. I can see their point of view.
2 But, also, my point of view is, I have to essentially
3 conduct an investigation into a murder case where it is
4 based on statements and internet reports. That's kind of
5 where we are going to come from.

6 THE COURT: I will not rely on internet reports.
7 You can be sure of that. What we are really talking about
8 are American witnesses who will be testifying to things
9 that Mr. Doran allegedly said to them. That's not that
10 complicated. If you are talking about going over to
11 Vietnam and trying to look at a crime scene, that's
12 complicated.

13 If we end up over there, figuratively, not literally,
14 you will need more time for sure. But if we end up with
15 just the government going with the statements Mr. Doran
16 allegedly made to other people, you just need time to
17 investigate that, interview those people, if you can, find
18 out whether they have impeachment matters to go into,
19 bias, prejudice and the like, and it is a different thing
20 completely.

21 Now, the government has a continuing responsibility
22 under Brady to provide all exculpatory information to
23 defense counsel, not just as to guilt or innocence, but as
24 to punishment. I trust that Mr. Friedman and his office
25 will turn over everything that they get, not just the

1 stuff that helps, but the stuff that hurts, and that you
2 will be treated that way, I have no doubt about that.

3 Let's do this: Let's set a sentencing date in
4 January. If we are going on the U.S. witnesses, and what
5 Mr. Doran said to them, that should be enough. If we
6 expand beyond that to forensics from Vietnam, a police
7 officer who is going to talk about the crime scene
8 investigation and the like, I will grant you an additional
9 continuance.

10 Victoria, I don't know if anybody left you any dates?

11 THE CLERK: They did not, but I can contact Kerry.

12 THE COURT: Do you have a January calendar there?
13 I think we should give ourselves -- how much time,
14 Mr. Friedman, a day?

15 MR. FRIEDMAN: I think if it is just U.S.
16 witnesses, a half day would be enough. If the court
17 wanted to be cautious, a day would make sense.

18 THE COURT: Let's do a day.

19 THE CLERK: A Friday?

20 THE COURT: Yeah, let's do a Friday. I think we
21 are not booked into then. How about the second to the
22 last Friday?

23 THE CLERK: January 18th.

24 THE COURT: Okay. Friday, January 18th.
25 Mr. Marchi, you look like you are busy that day?

1 MR. MARCHI: No, your Honor. While the government
2 says a day, it could be more than a day. I think we would
3 alert the court that we may need additional time.

4 THE COURT: At this point we don't know whether
5 you are going to be calling witnesses.

6 MR. MARCHI: Exactly. I anticipate calling
7 numerous witnesses.

8 THE COURT: And that's why I gave a full day
9 instead of a half day. You may need a full day yourself.
10 This is just a placeholder. That's all this is, is just a
11 placeholder.

12 I just signed and will return to Ms. Harmon the CJA
13 authorization that has been hanging out there until we did
14 this. I understand that you may need additional
15 authorizations, and you should feel free to pursue those
16 with, of course, proper justification.

17 THE CLERK: 9:00 a.m.

18 THE COURT: 9:00 a.m. on Friday the 18th.
19 Mr. Marchi, anything else you wanted to bring to my
20 attention today?

21 MR. MARCHI: No, your Honor. If there are other
22 issues that come up, we will request a status conference.

23 THE COURT: I appreciate that. Thanks.
24 Mr. Friedman, anything else?

25 MR. FRIEDMAN: No, your Honor.

(Adjourned.)

CERTIFICATE

I, Barry L. Fanning, Official Court Reporter, do hereby
certify that the foregoing transcript is true and correct.

S/Barry L. Fanning

Barry L. Fanning